



CARL T. C. GUTIERREZ  
GOVERNOR OF GUAM

OFFICE OF THE LEGISLATIVE SECRETARY  
 ACKNOWLEDGMENT RECEIPT  
 Received By: [Signature]  
 Time: 7:50 PM  
 Date: 1-2-97

OFFICE OF THE SPEAKER  
 Date: 1-2-97  
 Time: 1:35 pm  
 Received By: [Signature]  
 Print Name: Arlene B. Torres

JAN 02 1997

The Honorable Don Parkinson  
 Speaker  
 Twenty-Third Guam Legislature  
 Guam Legislature Temporary Building  
 155 Hesler Street  
 Agana, Guam 96910

Dear Mr. Speaker:

Enclosed please find a copy of Bill No. 542 (LS), "AN ACT TO REPEAL AND REENACT §34119, AND TO ADD §34119.1 TO TITLE 5, GUAM CODE ANNOTATED, TO ESTABLISH PRESUMPTION OF PUTATIVE FATHER AND TO GIVE FULL FAITH AND CREDIT TO JUDGMENTS OF PATERNITY", which I have signed into law today as **Public Law No. 23-139**.

This legislation is necessary to bring Guam into conformance with federal requirements relative to the national child support enforcement system.

Science has now developed very reliable testing to match a child with the child's biological parents. This legislation brings our local laws into conformity with scientific test results, allowing these test results the legal proof basis that they have been proven to deliver in the realm of science. This allows parents to more easily establish paternity so that all children may be afforded the support of their parents, to which they are entitled.

A copy has also been delivered to the Office of the Legislative Secretary.

Very truly yours,

[Signature]  
 Carl T. C. Gutierrez  
 Governor of Guam

Attachment

231633



CARL T.C. GUTIERREZ  
GOVERNOR OF GUAM

JAN 02 1997

The Honorable Hope A. Cristobal  
Acting Legislative Secretary  
Twenty-Third Guam Legislature  
Guam Legislature Temporary Building  
155 Hesler Street  
Agana, Guam 96910


OFFICE OF THE LEGISLATIVE SECRETARY	
ACKNOWLEDGMENT RECEIPT	
Received By	<u>M. C. C. C.</u>
Time	<u>2:45</u>
Date	<u>1/2/97</u>

Dear Madame Legislative Secretary:

Enclosed please find a copy of Governor's message and copy of Bill No. 542 (LS), "AN ACT TO REPEAL AND REENACT §34119, AND TO ADD §34119.1 TO TITLE 5, GUAM CODE ANNOTATED, TO ESTABLISH PRESUMPTION OF PUTATIVE FATHER AND TO GIVE FULL FAITH AND CREDIT TO JUDGMENTS OF PATERNITY", which I have **signed** into law today as **Public Law No. 23-139**.

Governor's message and copy of the public law have been delivered to the Office of the Speaker.

Very truly yours,

  
Carl T. C. Gutierrez  
Governor of Guam

Attachments


231623

(for file purposes  
only)  
Doc. No. 231633

TWENTY-THIRD GUAM LEGISLATURE  
1996 (SECOND) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

This is to certify that Bill No. 542 (LS), "AN ACT TO REPEAL AND REENACT §34119, AND TO ADD §34119.1 TO TITLE 5, GUAM CODE ANNOTATED, TO ESTABLISH PRESUMPTION OF PUTATIVE FATHER AND TO GIVE FULL FAITH AND CREDIT TO JUDGMENTS OF PATERNITY," was on the 23rd day of December, 1996, duly and regularly passed.



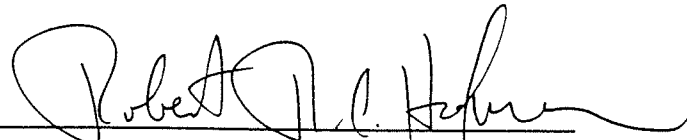
\_\_\_\_\_  
DON PARKINSON  
Speaker

Attested:

  
\_\_\_\_\_  
SONNY LUJAN ORSINI

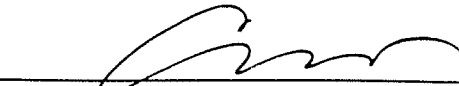
Senator and Legislative Secretary, Acting

-----  
This Act was received by the Governor this 23 day of December,  
1996, at 4:55 o'clock P.M.



\_\_\_\_\_  
Assistant Staff Officer  
Governor's Office

APPROVED:

  
\_\_\_\_\_  
CARL T. C. GUTIERREZ  
Governor of Guam

Date: 1-2-97

Public Law No. 23-139

TWENTY-THIRD GUAM LEGISLATURE  
1996 (SECOND) Regular Session

Bill No. 542 (LS)

Introduced by:

T. S. Nelson

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By request of the Governor in  
accordance with the Organic  
Act of Guam

AN ACT TO REPEAL AND REENACT §34119, AND TO  
ADD §34119.1 TO TITLE 5, GUAM CODE ANNOTATED,  
TO ESTABLISH PRESUMPTION OF PUTATIVE  
FATHER AND TO GIVE FULL FAITH AND CREDIT TO  
JUDGMENTS OF PATERNITY.

1        **BE IT ENACTED BY THE PEOPLE OF THE TERRITORY OF GUAM:**

2        **Section 1.** §34119 of Title 5, Guam Code Annotated, is repealed and  
3 reenacted to read:

4            "§34119. Trial of paternity and standard of proof. (a) When the  
5 paternity of a child born out of wedlock is disputed, the determination  
6 of paternity shall be made by the court without a jury. The trial shall be  
7 a civil trial and there shall be no right to a jury trial on the sole issue of  
8 paternity. The standard of proof shall be clear and convincing evidence.

9            (b) When the paternity of a child is disputed, all parties in the  
10 contested paternity matter including the child shall be ordered by the  
11 court to submit to a genetic test upon the request of any party to the  
12 action, upon reasonable terms and conditions. The Judicial Council  
13 shall promulgate rules of evidence as to the admissibility of reports of  
14 test results, which rules shall provide circumstances under which

1 reports of test results may be admitted without the necessity of calling  
2 expert witnesses from off-island while providing criteria to insure the  
3 accuracy of tests and the procedures surrounding them.

4 (c) Any objection to genetic testing results must be made in writing  
5 and submitted to the court at least two (2) days prior to any hearing at  
6 which such results are introduced into evidence. If no objection is made,  
7 a written report of the test results is admissible as evidence of paternity  
8 without the need for foundation testimony or other proof of  
9 authenticity or accuracy.

10 (d) If the results show that the putative father is not excluded and  
11 that the probability of the putative father's paternity is ninety-five  
12 percent (95%) or higher, there shall be a conclusive presumption that the  
13 putative father is the biological father, and the evidence shall be  
14 sufficient as a basis for a judicial determination of paternity.

15 (e) In any proceeding such as, but not limited to, divorce, where  
16 paternity is disavowed or parental rights are requested to be  
17 terminated, notice shall be given by the plaintiff to the Department of  
18 Law of its right to intervene in the best interest of the children of  
19 Guam."

20 **Section 2.** §34119.1 of Title 5, Guam Code Annotated, is added to read:

21 "§34119.1 **Judgment of Paternity. Full faith and credit.** Any  
22 judgment of paternity, whether established through a voluntary  
23 acknowledgment process, or established by a court or administrative  
24 entity of this territory, or any other state or jurisdiction, is entitled to  
25 full faith and credit in this territory."

**VOTING SHEET**

Bill No. 542  
 Resolution No. \_\_\_\_\_  
 Question: \_\_\_\_\_

NAME	YEAS	NAYS	NOT VOTING/ ABSTAINED	ABSENT/ OUT DURING ROLL CALL
ADA, Thomas C.	✓			
AGUON, John P.	✓			
BARRETT-ANDERSON, Elizabeth	✓			
BLAZ, Anthony C.	✓			
BROWN, Joanne S. /	✓			
CAMACHO, Felix P.	✓			
CHARFAUROS, Mark C	✓			
CRISTOBAL, Hope A.	✓			
FORBES, MARK				✓
LAMORENA, Alberto C., V	✓			
LEON GUERRERO, Carlotta	✓			
LEON GUERRERO, Lou	✓			
NELSON, Ted S.	✓			
ORSINI, Sonny L.	✓			
PANGELINAN, Vicente C	✓			
PARKINSON, Don	✓			
SAN AGUSTIN, Joe T.	✓			
SANTOS, Angel L. G.	✓			
SANTOS, Francis E.	✓			
UNPINGCO, Antonio R.	✓			
WONPAT-BORJA, Judith				✓

TOTAL 19 0 0 2

CERTIFIED TRUE AND CORRECT:

\_\_\_\_\_  
 Recording Secretary

DL 23-139

# Senator Mark C. Charfauros

Chairman

## Committee on Judiciary, Criminal Justice, and Environmental Affairs Twenty-Third Guam Legislature

Ada's Commercial and Professional Center  
138 East Marine Drive, Suite 101C-Annex  
Agana, Guam 96910

Tel: (671) 472-3342/3/5  
Fax: (671) 472-3440  
E-Mail: markchar@uog9.uog.edu

November 25, 1996

SPEAKER DON PARKINSON  
Twenty-Third Guam Legislature  
155 Hesler St.  
Agana, Guam 96910

Dear Mr. Speaker:

The Committee on Judiciary, Criminal Justice and Environmental Affairs, to which was referred **Bill No. 542**, wishes to report back to the Legislature with its recommendation **TO DO PASS Bill No. 542** "AN ACT TO REPEAL AND REENACT §34119, AND TO ADD §34119.1 TO TITLE 5, GUAM CODE ANNOTATED, TO ESTABLISH PRESUMPTION OF PUTATIVE FATHER AND TO GIVE FULL FAITH AND CREDIT TO JUDGEMENTS OF PATERNITY."

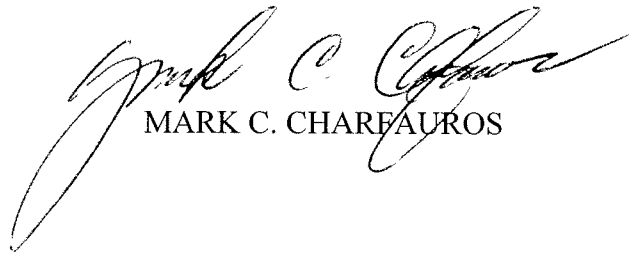
The voting record is as follows:

TO PASS	<u>9</u>
NOT TO PASS	<u>0</u>
ABSTAIN	<u>0</u>
TO PLACE IN INACTIVE FILE	<u>0</u>

Copies of the Committee Report and other pertinent documents are attached.

Your attention to this matter is greatly appreciated.

Attachments.



MARK C. CHARFAUROS

# Senator Mark C. Charfauros

Chairman

## Committee on Judiciary, Criminal Justice, and Environmental Affairs Twenty-Third Guam Legislature

Ada's Commercial and Professional Center  
138 East Marine Drive, Suite 101C-Annex  
Agana, Guam 96910

Tel: (671) 472-3342/3/5  
Fax: (671) 472-3440  
E-Mail: markchar@uog9.uog.edu

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September 19, 1996

### MEMORANDUM

TO: Members

FROM: Chairman

SUBJECT: Committee Report - **Bill No. 542**, "AN ACT TO REPEAL AND REENACT §34119, AND TO ADD §34119.1 TO TITLE 5, GUAM CODE ANNOTATED, TO ESTABLISH PRESUMPTION OF PUTATIVE FATHER AND TO GIVE FULL FATH AND CREDIT TO JUDGEMENTS OF PATERNITY."

Transmitted herewith for your information and action is the Committee on Judiciary, Criminal Justice and Environment Affairs' Report on the subject Bill.

The narrative report is accompanied by the following:

1. Original Bill No. 542;
2. Committee voting sheet;
3. Testimony and sign-in sheet;
4. Public hearing notice.

Should you have any questions on the narrative report or the accompanying documents, I would be most happy to answer any of them.

Please take the appropriate action on the attached voting sheet and return the documents to my office for transmittal to the other members.

Your attention and cooperation on this matter is greatly appreciated.

Si Yu'os Ma'ase'




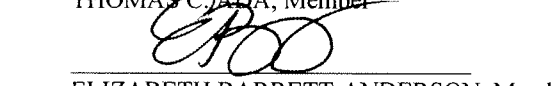
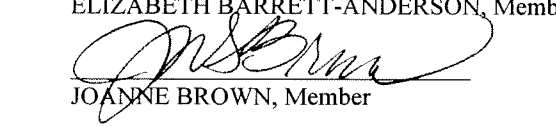
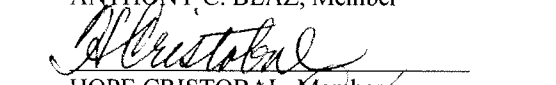



  
MARK C. CHARFAUROS

Attachments.



**COMMITTEE ON JUDICIARY, CRIMINAL JUSTICE AND  
ENVIRONMENTAL AFFAIRS  
23rd Guam Legislature  
VOTING RECORD**

**Bill No. 542** "AN ACT TO REPEAL AND REENACT §34119, AND TO ADD §34119.1 TO TITLE 5, GUAM CODE ANNOTATED, TO ESTABLISH PRESUMPTION OF PUTATIVE FATHER AND TO GIVE FULL FATH AND CREDIT TO JUDGEMENTS OF PATERNITY."

	<u>TO PASS</u>	<u>NOT TO PASS</u>	<u>ABSTAIN</u>	<u>INACTIVE FILE</u>
 MARK C. CHARFAUROS, Chairman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 JUDITH WONPAT-BORJA, Vice-Chairperson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 THOMAS C. JADA, Member	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 ELIZABETH BARRETT-ANDERSON, Member	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 JOANNE BROWN, Member	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
_____ ANTHONY C. BLAZ, Member	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 HOPE CRISTOBAL, Member	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 A. TONY LAMORENA, Member	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 LOU LEON GUERRERO, Member	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
_____ TED S. NELSON, Member	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 VICENTE C. PANGELINAN, Member	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
_____ ANGEL L.G. SANTOS, Member	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
_____ FELIX P. CAMACHO, Member	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
_____ DON PARKINSON, Ex-Officio Member	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

COMMITTEE ON JUDICIARY, CRIMINAL JUSTICE  
AND ENVIRONMENTAL  
AFFAIRS

*Twenty-Third Guam Legislature*

COMMITTEE REPORT  
ON  
BILL NO. 542

“AN ACT TO REPEAL AND REENACT §34119, AND TO ADD §34119.1 TO TITLE 5, GUAM  
CODE ANNOTATED, TO ESTABLISH PRESUMPTION OF PUTATIVE FATHER AND TO GIVE  
FULL FAITH AND CREDIT TO JUDGEMENTS OF PATERNITY.”

August 12, 1996

## I. OVERVIEW

The Committee on Judiciary, Criminal Justice and Environmental Affairs scheduled a public hearing on **August 12, 1996**, at 9:30 a.m. at the Legislative Public Hearing Room. Public notice was announced on the August 8, 1996 issue of the Pacific Daily News.

Members present were:

Senator Mark C. Charfauros, Chairman  
Senator Ted Nelson  
Senator Joanne Brown

Appearing before the Committee to testify on the Bill were:

**Margaret E. Bean**, Deputy Attorney General, **oral, written.**  
**Aileen Muna**, **oral.**

## II. SUMMARY OF TESTIMONY

**Margaret E. Bean**, Deputy Attorney General, testified in support of Bill 542, **oral; written; attached.**

**Aileen Muna** testified and inquired about the testing methods and procedures for paternity questions. **Bean** responded that their office is up to date with the latest in testing methods and procedures.

### III. FINDINGS AND RECOMMENDATION

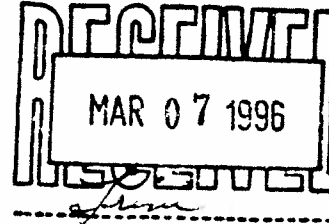
The Committee finds that Bill 542 will enable the territory of Guam to meet several federal requirements regarding the process of paternity cases. Specifically, the Omnibus Budget Reconciliation Act of 1993 requires states and territories to adopt a variety of procedures designed to streamline the paternity establishment process. These include a presumption of paternity based on genetic test results, conditions for admission of genetic test results as evidence and expedited decision-making processes for IV-D paternity cases. The Committee finds that the passage of Bill 542 is needed to avoid any loss of federal funds and will improve the ability of the territory to establish paternity for the children of Guam.

Accordingly, the Committee on Judiciary, Criminal Justice and Environmental Affairs, to which was referred **Bill No. 542**, does hereby submit its findings and recommendation to the Twenty-Third Guam Legislature **TO DO PASS Bill No. 542** "AN ACT TO REPEAL AND REENACT §34119, AND TO ADD §34119.1 TO TITLE 5, GUAM CODE ANNOTATED, TO ESTABLISH PRESUMPTION OF PUTATIVE FATHER AND TO GIVE FULL FAITH AND CREDIT TO JUDGEMENTS OF PATERNITY."



# COMMITTEE ON RULES

Twenty-Third Guam Legislature  
155 Hesler St., Agana, Guam 96910



March 6, 1996

## MEMORANDUM

**TO:** Chairman, Committee on Judiciary, Criminal Justice  
and Environmental Affairs

**FROM:** Chairman, Committee on Rules

**SUBJECT:** Referral - Bill No. 542

The above Bill is referred to your Committee as the principal committee. Please note that the referral is subject to ratification by the Committee on Rules at its next meeting. It is recommended you schedule a public hearing at your earliest convenience.

  
**SONNY LUJAN ORSINI**

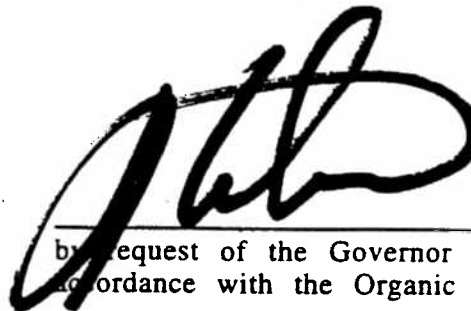
Attachment:

FEB 28 1996

TWENTY-THIRD GUAM LEGISLATURE  
1996 (SECOND) Regular Session

Bill No. 542(LS)

Introduced by:



by request of the Governor in  
accordance with the Organic Act of Guam

AN ACT TO REPEAL AND REENACT §34119, AND TO ADD §34119.1 TO TITLE 5, GUAM CODE ANNOTATED, TO ESTABLISH PRESUMPTION OF PUTATIVE FATHER AND TO GIVE FULL FAITH AND CREDIT TO JUDGMENTS OF PATERNITY.

1 **BE IT ENACTED BY THE PEOPLE OF THE TERRITORY OF GUAM:**

2 **Section 1.** §34119 of Title 5, Guam Code Annotated, is repealed and  
3 reenacted to read:

4 **"§34119. Trial of paternity and standard of proof. (a)**  
5 When the paternity of a child born out of wedlock is disputed, the  
6 determination of paternity shall be made by the court without a jury.  
7 The trial shall be a civil trial and there shall be no right to a jury trial  
8 on the sole issue of paternity. The standard of proof shall be clear and  
9 convincing evidence.

10 (b) When the paternity of a child is disputed, all parties in the  
11 contested paternity matter including the child shall be ordered by the  
12 court to submit to a genetic test upon the request of any party to the  
13 action, upon reasonable terms and conditions. The Judicial Council shall  
14 promulgate rules of evidence as to the admissibility of reports of test  
15 results, which rules shall provide circumstances under which reports of

1 test results can be admitted without the necessity of calling expert  
2 witnesses from off-island while providing criteria to insure the accuracy  
3 of tests and the procedures surrounding the tests.

4 (c) Any objection to genetic testing results must be made in  
5 writing and submitted to the court at least Two (2) days prior to any  
6 hearing at which such results are introduced into evidence. If no  
7 objection is made, a written report of the test results is admissible as  
8 evidence of paternity without the need for foundation testimony or  
9 other proof of authenticity or accuracy.

10 (d) If the results show that the putative father is not excluded  
11 and that the probability of the putative father's paternity is Ninety-Five  
12 Percent (95%) or higher, there shall be a conclusive presumption that  
13 the putative father is the biological father and the evidence shall be  
14 sufficient as a basis for a judicial determination of paternity.

15 (e) In any proceeding such as, but not limited to, divorce, where  
16 paternity is disavowed or parental rights are requested to be  
17 terminated, notice shall be given by the plaintiff to the Department of  
18 Law of its right to intervene in the best interest of the children of  
19 Guam."

20 **Section 2.** §34119.1 of Title 5, Guam Code Annotated, is added to read:

21 "§34119.1. **Judgment of Paternity. Full faith and credit.**  
22 Any judgment of paternity, whether established through a voluntary  
23 acknowledgment process, or established by a court or administrative  
24 entity of this territory, or any other state or jurisdiction, is entitled to  
25 full faith and credit in this territory."

Calvin E. Holloway, Sr.  
*Hinlrát Abugao*  
*Attorney General*

Ufisinan Hinirát Abugao  
Tiritorian Guahán  
Office of the Attorney General  
Territory of Guam

Margaret E. Bean  
*Sigundo Hinlrát Abugao*  
*Deputy Attorney General*

Gus F. Diaz  
*Atkádí, Sigundo Hinlrát Abugao*  
*Chief Deputy Attorney General*

Dibision Familla  
Family Division

---

August 7, 1996

Honorable Senator Mark C. Charfauros  
Chairman, Committee of Judiciary, Criminal Justice, and Environmental Affairs  
Twenty-Third Guam Legislature  
Ada's Commercial and Professional Center  
138 East Marie Drive, Suite 101C-Annex  
Agana, Guam 96910

Re: Testimony on Bill 542

Dear Senator:

Buenas yan Saluda!

In December, 1994, the Federal Government, Department of Health and Human Services, promulgated regulations to implement the requirements of Section 13721 of the Omnibus Budget Reconciliation Act of 1993 (OBRA '93). OBRA requires states and territories to adopt a variety of procedures designed to streamline the paternity establishment process. These include a presumption of paternity based on genetic test results, conditions for admission of genetic test results as evidence and expedited decision-making processes for IV-D paternity cases. If states and territories do not enact the required legislation, financial penalties may be levied.

Bill 542 brings 5 G.C.A. §34119(c), Guam's IV-D program, into compliance with a portion of OBRA requirements. Specifically, 5 G.C.A. §34119(c) has been added, implementing the requirement of 45 CFR 302.70(a)5(v) which requires each territory to have laws which provide that any objection to genetic testing result must be made in writing a specified number of days before any hearing at which such results may be introduced into evidence. Further, that if no objections are made, that the written report of the test results is admissible as evidence of paternity without need for foundation testimony or other proof of authenticity.

5 G.C.A. §34119 (d) has also been added implementing the requirement of 45 CFR 302.70(a)5(vi) which requires Guam to have laws which create a rebuttable or, at our option, a conclusive presumption of paternity based on genetic testing results which indicate a threshold probability that the alleged father is the father of the child. We have chosen to make the presumption conclusive, as we believe that the genetic tests are increasingly accurate. We have also chose a 95% threshold, which means that all tests

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COMMONWEALTH NOW!

238 Archbishop F.C. Flores St. · Suite 701, Pacific News Building · Agana, Guam 96910  
Telephone: (671) 475-3360    Telefax: (671) 477-6118



with results under 95% would not be conclusive, presumed to be the father. This percentage is taken from other states laws.

Section 2 of Bill 542 provides that judgments of paternity of any jurisdiction will be given full faith and credit in Guam. This fulfills the requirements of 45 CFR 302.70(a)(11) which requires states and territories to give full faith and credit to a determination of paternity made by any other state or territory, whether established through voluntary acknowledgment or through administrative or judicial processes. This will improve interstate processing of cases as paternity could not be relitigated.

This bill will bring us into compliance with some of the requirements of the Federal Law and will improve our ability to establish paternity for the children of Guam.

Dangkolo Na Agradesimiento - Thank You Very Much!

Sincerely,



MARGARET E. BEAN  
Deputy Attorney General



Notice of Public Hearing



**Senator Mark C.  
Charfauros**

**Chairman, Committee on Judiciary,  
Criminal Justice & Environmental Affairs  
Twenty-Third Guam Legislature**

**Agenda**

**Bill No. 153, as substituted by the author, "AN ACT TO PROVIDE PROTECTION FOR PRISTINE LIMESTONE AND RAVINE FORESTS IN GUAM AND TO AUTHORIZE THE GUAM ENVIRONMENTAL PROTECTION AGENCY TO IDENTIFY, RECORD AND DEVELOP A PROTECTION PLAN FOR SUCH FORESTS."**

**Bill No. 542, "AN ACT TO REPEAL AND REENACT §34119, AND TO ADD §34119.1 TO TITLE 5, GUAM CODE ANNOTATED, ESTABLISH PRESUMPTION OF PUTATIVE FATHER AND TO GIVE FULL FAITH AND CREDIT TO JUDGMENTS OF PATERNITY."**

**Bill No. 543, "AN ACT TO ESTABLISH RULES AND REGULATIONS FOR CHILD SUPPORT PAYMENT GUIDELINES TO BE ENFORCED BY THE DEPARTMENT OF LAW."**

**Bill No. 652, "AN ACT TO ADD A NEW CHAPTER 26 TO TITLE 9, GCA, RELATING TO SEX OFFENDER REGISTRATION, TO PROVIDE THAT THE REGISTRATION REQUIREMENT SHALL CONTINUE FOR LIFE WHILE THE PERSON IS RESIDING ON GUAM, TO PROVIDE FOR A PETITION AND HEARING TO EXEMPT A PERSON FROM LIFETIME REGISTRATION, TO PROVIDE THE CONTENTS OF THE PETITION AND TO PROVIDE FOR THE GRANTING OF AN EXEMPTION FROM THE REPORTING REQUIREMENT UPON PROOF BY CLEAR AND CONVINCING EVIDENCE THAT THE PETITIONER IS NOT A RISK TO COMMIT A VIOLENT CRIME OR OTHER SPECIFIED SEX CRIMES."**

**Bill No. 656, "AN ACT TO ESTABLISH THE GUAM ENVIRONMENTAL REGULATION COMMISSION BY ADDING A NEW ARTICLE 3 TO PART 2 OF TITLE 10 GUAM CODE ANNOTATED."**

**Date: Monday, August 12, 1996**

**Time: 9:30 a.m.**

**Place: Legislative Public Hearing Room,  
155 Hesler St. Agana**

**The Public is invited to Attend**

*Replacement*

*River Drive  
8/8/96*

*Public 8/7/96*

**PO#959623PO738**

**FISCAL NOTE**  
**BUREAU OF BUDGET AND MANAGEMENT RESEARCH**

**PR 18 1996** BBMR-F7

Bill Number: 542 (LS)  
 Amendatory Bill: Yes

Date Received: April 4, 1996  
 Date Reviewed: April 10, 1996

Department/Agency Affected: Various  
 Department/Agency Head: Various  
 Total FY Appropriation to Date: Various

Bill Title (preamble): AN ACT TO REPEAL AND REENACT §34119, AND TO ADD §34119.1 TO TITLE 5, GUAM CODE ANNOTATED, TO ESTABLISH PRESUMPTION OF PUTATIVE FATHER AND TO GIVE FULL FAITH AND CREDIT TO JUDGMENTS OF PATERNITY.

Change in Law: Repeals and reenacts §34119 and adds §34119.1 to Title 5, GCA

**Bill's Impact on Present Program Funding:**

Increase 1/ Decrease \_\_\_\_\_ Reallocation \_\_\_\_\_ No Change \_\_\_\_\_

**Bill is for:**

Operations XXX Capital Improvement \_\_\_\_\_ Other \_\_\_\_\_

**FINANCIAL/PROGRAM IMPACT**

ESTIMATED SINGLE-YEAR FUND REQUIREMENTS (Per Bill)			
PROGRAM CATEGORY	GENERAL FUND	OTHER	TOTAL
	<u>1/</u>		

ESTIMATED MULTI-YEAR FUND REQUIREMENTS (Per Bill)						
FUND	1st	2nd	3rd	4th	5th	TOTAL
GENERAL	<u>1/</u>					
OTHER						
TOTAL						

FUNDS ADEQUATE TO COVER INTENT OF THE BILL? N/A -- IF NO, ADD'L AMOUNT REQUIRED \$ \_\_\_\_\_  
 AGENCY/PERSON/DATE CONTACTED: \_\_\_\_\_

ESTIMATED POTENTIAL MULTI-YEAR REVENUES						
FUND	1st	2nd	3rd	4th	5th	TOTAL
GENERAL FUND	<u>1/</u>					
OTHER						
TOTAL						

ANALYST [Signature] DATE 4/10/96 DIRECTOR [Signature] DATE APR 18 1996  
 Joseph E. Rivera, Acting

FOOTNOTES: See attached.

1/

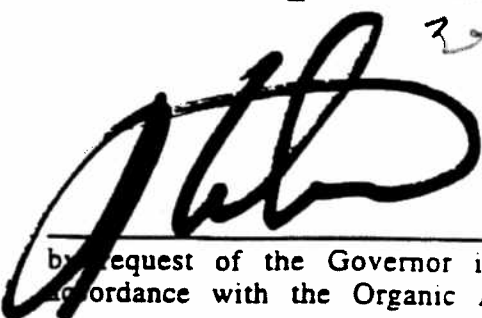
Bill Number 542 (LS) seeks to repeal and reenact §34119 and to act §34119.1 to Title 5, Guam Code Annotated, relative to establishing presumption of putative father and to give full faith and credit to judgements of paternity. This Bill will definitely have a fiscal impact on the various budgets of the Departments affected by this Bill, however, their individual budgets should be able to absorb such an impact.

FEB 28 1996

TWENTY-THIRD GUAM LEGISLATURE  
1996 (SECOND) Regular Session

Bill No. 542(LS)

Introduced by:

  
by request of the Governor in  
accordance with the Organic Act of Guam

AN ACT TO REPEAL AND REENACT §34119, AND TO ADD §34119.1 TO TITLE 5, GUAM CODE ANNOTATED, TO ESTABLISH PRESUMPTION OF PUTATIVE FATHER AND TO GIVE FULL FAITH AND CREDIT TO JUDGMENTS OF PATERNITY.

1 **BE IT ENACTED BY THE PEOPLE OF THE TERRITORY OF GUAM:**

2 **Section 1.** §34119 of Title 5, Guam Code Annotated, is repealed and  
3 reenacted to read:

4 "§34119. Trial of paternity and standard of proof. (a)  
5 When the paternity of a child born out of wedlock is disputed, the  
6 determination of paternity shall be made by the court without a jury.  
7 The trial shall be a civil trial and there shall be no right to a jury trial  
8 on the sole issue of paternity. The standard of proof shall be clear and  
9 convincing evidence.

10 (b) When the paternity of a child is disputed, all parties in the  
11 contested paternity matter including the child shall be ordered by the  
12 court to submit to a genetic test upon the request of any party to the  
13 action, upon reasonable terms and conditions. The Judicial Council shall  
14 promulgate rules of evidence as to the admissibility of reports of test  
15 results, which rules shall provide circumstances under which reports of

1 test results can be admitted without the necessity of calling exper-  
2 witnesses from off-island while providing criteria to insure the accuracy  
3 of tests and the procedures surrounding the tests.

4 (c) Any objection to genetic testing results must be made in  
5 writing and submitted to the court at least Two (2) days prior to an  
6 hearing at which such results are introduced into evidence. If no  
7 objection is made, a written report of the test results is admissible as  
8 evidence of paternity without the need for foundation testimony or  
9 other proof of authenticity or accuracy.

10 (d) If the results show that the putative father is not excluded  
11 and that the probability of the putative father's paternity is Ninety-Five  
12 Percent (95%) or higher, there shall be a conclusive presumption that  
13 the putative father is the biological father and the evidence shall be  
14 sufficient as a basis for a judicial determination of paternity.

15 (e) In any proceeding such as, but not limited to, divorce, where  
16 paternity is disavowed or parental rights are requested to be  
17 terminated, notice shall be given by the plaintiff to the Department of  
18 Law of its right to intervene in the best interest of the children of  
19 Guam."

20 Section 2. §34119.1 of Title 5, Guam Code Annotated, is added to read:

21 "§34119.1. Judgment of Paternity. Full faith and credit.  
22 Any judgment of paternity, whether established through a voluntary  
23 acknowledgment process, or established by a court or administrative  
24 entity of this territory, or any other state or jurisdiction, is entitled to  
25 full faith and credit in this territory."

FLOOR AMENDMENTS/CHANGES

Bill No. 542

No. \_\_\_\_\_ of \_\_\_\_\_ Changes  
Amendment \_\_\_\_\_  
Deletion \_\_\_\_\_  
Withdrawn

D Parkinson  
Mover

~~On page 2, lines 13 + 14 delete the words "And the evidence shall be sufficient as a basis for a judicial determination of paternity."~~

Date 12/16/96

Votes \_\_\_\_\_  
\_\_\_\_\_

Passed \_\_\_\_\_ )  
Failed \_\_\_\_\_ )

Concur

\_\_\_\_\_  
Recording Secretary

\_\_\_\_\_  
Speaker

APPROVED AS TO FORM PASSED

\_\_\_\_\_  
MOVER/AUTHOR OF AMENDMENT